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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

----- x		ECF CASE
ERNEST DAVIS, et al.,	:	
	:	
Plaintiffs,	:	07 Civ. 9897 (CLB)
	:	
- against -	:	<u>NOTICE OF MOTION</u>
	:	
UNITED STATES JUSTICE	:	
DEPARTMENT, et al.,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that upon the Amended Complaint herein; the accompanying Declaration of Ross E. Morrison, dated February 22, 2008, and the exhibits annexed thereto; the accompanying memorandum of law; and upon all the pleadings heretofore filed in this action, defendants United States Department of Justice, Federal Bureau of Investigation and the United States Attorney's Office for the Southern District of New York (collectively, the "federal defendants"), by their attorney Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Charles L. Brieant, United States District Judge, on April 11, 2008, at 11:00 a.m., at the United States Courthouse, Courtroom 218, 300 Quarropas Street, White Plains, New York 10601, for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, granting the federal defendants' motion to dismiss

the Amended Complaint in its entirety, as well as for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the prior Order of the Court, answering papers, if any, are due to be served upon the undersigned on or before March 21, 2008.

Dated: New York, New York
February 22, 2008

MICHAEL J. GARCIA
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Attorney for the Federal Defendants

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